

Deposition of Lawrence Zimmer - February 2, 2012
Volume I

1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 IN RE: ASBESTOS PRODUCTS
4 LIABILITY LITIGATION (No. VI) MDL Docket No. 875
5 AHNERT, et al. v. CBS CORPORATION, et al.
6 10-CV-67443
7 ANDERSON v. AW CHESTERTON COMPANY, et al.
8 11-CV-63499
9 BARKER v. ACANDS, INC., et al.
10 09-CV-60285
11 BAUMANN v. AW CHESTERTON COMPANY, et al.
12 11-CV-63517
13 BAYLOR v. ACANDS, INC., et al.
14 10-CV-62057
15 BIEGANSKI v. ACANDS, INC., et al.
16 09-CV-60498
17 BOLTON v. INC., ACANDS, et al.
18 09-CV-60186
19 BRAZZONI v. ACANDS, INC., et al.
20 11-CV-63501
21 BRESNAHAN, et al. v. ANCHOR PACKAGING CO., et al.
22 09-CV-60331
23 COGHLAN v. ACANDS, INC., et al.
24 10-CV-61461
25 DUFFEY v. ACANDS, INC., et al.
 10-CV-61916
22 DUFFEY v. ACANDS, INC., et al.
23 11-CV-63495
22 EVERARD v. ACANDS, INC., et al.
23 09-CV-61353
24 FRISCH v. ACANDS, INC., et al.
25 09-CV-61354

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1	GOTTSACKER v. ACANDS, INC., et al. 10-CV-61885		1	The Deposition of LAWRENCE ZIMMER, VOLUME I, a witness in the above-entitled action, taken at the instance of the Plaintiffs, pursuant to the Federal Rules of Civil Procedure, pursuant to notice, before Christine A. Kovac, RPR, Notary Public in and for the State of Wisconsin, at COUNTRY HEARTH INN, 645 East Avenue, Lomira, Wisconsin, on Thursday, February 2, 2012, commencing at 12:08 p.m. and concluding at 1:38 p.m.	
2	HAKES v. AW CHESTERTON COMPANY, et al. 10-CV-68063		2		
3	HANSEN v. ACANDS, INC., et al. 10-CV-62038		3		
4	HELD v. ACANDS, INC., et al. 10-CV-67814		4		
5	HOLCOMB v. ACANDS, INC., et al. 09-CV-61314		5		
6	IVERSON v. THE ANCHOR PACKING COMPANY, et al. 09-CV-60154		6		
7	JAKUBOWSKI v. ACANDS, INC., et al. 10-CV-67831		7	A P P E A R A N C E S	
8	JANICK v. ASBESTOS CLAIMS, et al. 10-CV-61426		8	CASCINO VAUGHAN LAW OFFICES, LTD, by Mr. Ron Archer	
9	JOHNSON v. ANCHOR PACKING CO., et al. 09-CV-61599		9	220 South Ashland Avenue Chicago, Illinois 60607	
10	LINK, et al. v. ANCHOR PACKING CO., et al. 09-CV-60338		10	Appeared on behalf of the Plaintiffs.	
11	MENGERT v. ACANDS, INC., et al. 09-CV-60501		11	HEPLERBROOM LLC, by Ms. Kaitlyn N. Chenevert	
12	METZGER v. ACANDS, INC., et al. 09-CV-61322		12	150 North Wacker Drive, Suite 3100 Chicago, Illinois 60606	
13	MICHELS v. ACANDS, INC., et al. 10-CV-62047		13	Appeared on behalf of Georgia-Pacific in the Anderson, Barker, Baumann, Baylor, Bieganski, Bolton, Brazzoni, Coghlan, Duffey, Duffey, Everard, Frisch, Gottsacker, Hakes, Hansen, Held, Holcomb, Jakubowski, Janick, Mengert, Metzger, Michels, Miller (08-CV-89901), Miller (09-CV-60519), Nelson, Ploch, Reich, Repischak, Risse, Scheffel, Strerath, Suhaysik, Wawiorka, Zimmer, and Zunker cases.	
14	MILLER v. ACANDS, INC., et al. 08-CV-89901		14		
15	MILLER v. A.P. GREEN INDUSTRIES, INC., et al. 09-CV-61040		15	FOLEY & MANSFIELD, PLLP, by Mr. Jacob D. Sawyer	
16	MILLER v. ACANDS, INC., et al 09-CV-60519		16	55 West Monroe Street, Suite 3430 Chicago, Illinois 60603	
17			17	Appeared on behalf of CBS CORPORATION.	
18			18	PETERSON, JOHNSON & MURRAY, S.C., by Mr. J. Ryan Maloney	
19			19	733 North Van Buren Street Milwaukee, Wisconsin 53202	
20			20	Appeared on behalf of Milwaukee Insulation in the Ahnert case only.	
21			21		
22			22		
23			23		
24			24		
25			25		
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1	NELSON v. ACANDS, INC., et al. 10-CV-61956		1	APPEARANCES (Continued):	
2	PLOCH v. AW CHESTERTON COMPANY, et al. 09-CV-61435		2	GODFREY & KAHN, S.C., by Ms. Erin M. Cook	
3	REICH v. ACANDS, INC., et al. 09-CV-60523		3	780 North Water Street, Suite 1700 Milwaukee, Wisconsin 53202-3590	
4	REPISCHAK v. THE ANCHOR PACKING COMPANY, et al. 09-CV-61335		4	Appeared on behalf of Crane Company.	
5	RISSE v. ACANDS, INC., et al 10-CV-67857		5	CELBA LLC, by Mr. Timothy D. Pagel	
6	SCHEFFEL v. PROCTOR & GAMBLE PAPER PRODUCTS, et al. 09-CV-60545		6	225 East Mason Street, 5th Floor Milwaukee, Wisconsin 53202	
7	SOUJA, et al. v. INC. OWENS-ILLINOIS, et al. 09-CV-60256		7	Appeared on behalf of Foster Wheeler, LLC in the Ahnert, Anderson (11-CV-63499), Baumann, Duffey (10-CV-61916), Hakes, Iverson, Michels, Scheffel, and Strerath cases only.	
8	STRERATH v. AW CHESTERTON COMPANY, et al. 11-CV-63496		8	LAVIN, O'NEIL, RICCI, CEDRONE & DISIPIO, by Mr. Matthew H. Ruggles	
9	SUHAYSIK v. ACANDS, INC., et al. 10-CV-61865		9	190 North Independence Mall West, Suite 500 6th & Race Streets Philadelphia, Pennsylvania 19106	
10	WAWIORKA v. ACANDS, INC., et al. 09-CV-60445		10	Appeared telephonically on behalf of 3M Company.	
11	ZIMMER v. ACANDS, INC., et al. 10-CV-61896		11	MARGOLIS EDELSTEIN, by Mr. Mitchell S. Pinsly	
12	ZUNKER v. ACANDS, INC., et al. 10-CV-67894		12	170 South Independence Mall W. Philadelphia, Pennsylvania 19106	
13			13	Appeared telephonically on behalf of Metallo Gasket Company in the Michels case only.	
14			14	FOLEY & MANSFIELD, PLLP, by Mr. Stephen L. Wilson	
15			15	250 Marquette Avenue, Suite 1200 Minneapolis, Minnesota 55401	
16			16	Appeared telephonically on behalf of Plastic Engineering Company in the Duffey case only.	
17			17		
18			18		
19	Deposition of LAWRENCE ZIMMER, VOLUME I Thursday, February 2, 2012 12:08 p.m.		19		
20			20		
21	at		21		
22	COUNTRY HEARTH INN 645 East Avenue Lomira, Wisconsin		22	JOHNSON & BELL, LTD., by Ms. Lesley W. Shermeta	
23			23	33 West Monroe Street, Suite 2700 Chicago, Illinois 60603	
24			24	Appeared telephonically on behalf of Luse-Stevenson Company in the Hansen case only.	
25	Reported by Christine A. Kovac, RPR		25		

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1 APPEARANCES (Continued):		1 TRANSCRIPT OF PROCEEDINGS	
2 FOLEY & LARDNER, LLP, by		2 (Exhibit No. 1 marked for identification.)	
3 Mr. Daniel A. Manna		3 MS. CHENEVERT: This is Kaitlyn Chenevert	
4 777 East Wisconsin Avenue, 40th Floor		4 for Georgia-Pacific. I would just like to make a few	
5 Milwaukee, Wisconsin 53202-5300		5 preliminary objections before the start of this	
6 Appeared telephonically on behalf of		6 deposition. Georgia-Pacific objects to this	
7 Union Carbide.		7 deposition going forward at this point on -- as there	
8 DesROCHERS LAW OFFICES, LLC, by		8 has not been compliance with the deposition protocol.	
9 Mr. Mark S. DesRochers		9 There have been no responses to the standard	
10 2800 East Enterprise Avenue		10 interrogatories or any product specific discovery	
11 Appleton, Wisconsin 54913		11 which has been served at this point. Georgia-Pacific	
12 Appeared telephonically on behalf of		12 reserves the right to hold the deposition open to do	
13 USX Corporation f/k/a United States		13 it at a later date after receipt of those answers to	
14 Steel Corporation.		14 interrogatories and request for production.	
15 WILBRAHAM, LAWLER & BUBA, by		15 MR. ARCHER: We are on the record. This is	
16 Ms. Mary F. Chicorelli		16 the Larry Zimmer deposition. This deposition is being	
17 1818 Market Street, Suite 3100		17 taken in the Zimmer case as well as several numerous	
18 Philadelphia, Pennsylvania 19103		18 other cases. And they are all listed on Exhibit	
19 Appeared telephonically on behalf of		19 Number 1, the notice of this deposition. The cases	
20 IU North America and Nosroc Corporation		20 are all venued in the United States District Court for	
21 in the Baylor, Bieganski, Duffey, Hansen,		21 the Eastern District of Pennsylvania, MDL Docket	
22 Held, Jakubowski, Michels, Risse, and Zunker		22 Number 875.	
23 Cases. On behalf of Nosroc Corporation in		23 We are located at the Country Hearth Inn,	
24 the Scheffel case.		24 645 East Avenue, Lomira, Wisconsin, 53048. Phone	
25		25 number here is 920-269-7477. Gramann Reporting is	
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1 I N D E X	PAGE	1 doing the reporting for this deposition, and they are	
2 EXAMINATION BY	10	2 located at 710 North Plankinton Avenue, Number 710,	
3 Mr. Archer		3 Milwaukee, Wisconsin, 53203. Phone number there is	
4		4 414-272-7878.	
5		5 I'm Ron Archer. I represent the plaintiffs	
6		6 in all the cases, including Mr. Zimmer, and I'm also	
7		7 the videographer for today's event. I'm with Cascino	
8 E X H I B I T S		8 Vaughn. We're at 220 South Ashland Avenue, Chicago,	
9 No. 1 Notice of Deposition	8	9 Illinois, 60607. Phone number there is 312-944-0600.	
10 No. 2 Handwritten list of product names	34	10 For the video record will all attorneys	
11 (Exhibits were copied and attached to transcripts.)		11 present and on the phone make their appearances and	
12		12 who they represent?	
13		13 MR. SAWYER: This is Jacob Sawyer on behalf	
14		14 of CBS Corporation.	
15		15 MS. CHENEVERT: This is Kaitlyn Chenevert	
16		16 for Georgia-Pacific.	
17		17 MR. MALONEY: Ryan Maloney for Milwaukee	
18		18 Insulation.	
19		19 MS. COOK: Erin Cook for Crane Co.	
20		20 MR. PAGEL: Tim Pagel. My appearances will	
21		21 appear on the written stenographic transcript.	
22		22 MR. ARCHER: People on the phone?	
23		23 MR. PINSLY: Mitchell Pinsly from Metallo	
24		24 Gasket.	
25		25 MS. SHERMETA: Lesley Shermeta for	

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<p>1 Luse-Stevenson. 2 MR. WILSON: Steve Wilson for Plastic 3 Engineering Company. 4 MR. RUGGLES: Matt Ruggles for 3M Company. 5 MS. CHICORELLI: Mary Chicorelli for IU 6 North America and Nosroc Corporation. 7 MR. DesROCHERS: Mark DesRochers for USX. 8 MR. MANNA: Daniel Manna for Union Carbide. 9 LAWRENCE ZIMMER, called as a witness 10 herein, having been duly sworn on oath, was examined 11 and testified as follows:</p> <p>12 E X A M I N A T I O N 13 BY MR. ARCHER: 14 Q. Good afternoon. 15 A. Good afternoon. 16 Q. Will you please introduce yourself to the members of 17 the jury? 18 A. I'm Larry Zimmer. 19 Q. How old are you? 20 A. 73. 21 Q. Where do you live? 22 A. Brownsville. 23 Q. Were you born and raised in Brownsville? 24 A. No. 25 Q. Where were you born and raised?</p>	<p>1 A. We see them fairly often, yes. 2 Q. How close do your kids live to where you live? 3 A. Oh, one in Madison, two in Oshkosh, one in Waukesha, 4 one in Mukwonago. 5 Q. Are they fairly close so that you can see them pretty 6 often or no? 7 A. Yeah, we see them fairly often. 8 Q. I understand you're retired. Yeah? 9 A. Yes. 10 Q. What do you do nowadays that you're retired? 11 A. Not much. 12 Q. Why is that? 13 A. I can't. I don't have the stamina. I get tired 14 easily. 15 Q. We'll talk about your health a little bit later. 16 I understand you did serve in the military? 17 A. Yes. 18 MR. ARCHER: If you don't mind, would you 19 mute your phone? 20 Q. What branch? 21 A. Army. 22 Q. When did you serve? 23 A. '61. Six years. 24 Q. Where did you serve? 25 A. Fort Leonard Wood in San Antonio, Texas.</p>
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<p>1 your working career? Industrial? Commercial? 2 Residential? 3 A. Commercial mostly. But I was in all of them. 4 Q. What kind of projects did you work on? New 5 construction? Remodel work? Shut-down work? Outage 6 work? 7 A. All of them. 8 Q. What other trades regularly worked in your presence? 9 A. All of them. Electricians, plumbers, fitters, 10 drywall, ceiling tile, roofing. 11 Q. What kinds of equipment or machinery did you work on 12 during your working career? 13 A. Turbines, boilers. 14 Q. What's a turbine? 15 A. It provides electricity. 16 Q. Can you describe for us what a turbine looks like? 17 A. Just a big motor. 18 Q. How big? 19 A. Huge. 20 Q. Like stories tall or just 10 feet tall or what? 21 A. No. It takes up a single floor. 22 Q. Did you work on turbines? 23 A. Yes. 24 Q. Did you work around turbines? 25 A. Yes.</p>	<p>1 A. Yeah. 2 Q. What? 3 A. Insulation. 4 Q. How big are these blankets you're describing? 5 A. I believe they varied in sizes. Some took a couple 6 guys to put it on, and some was just smaller pieces. 7 Q. Were you present for the stuffing of the blankets? 8 A. No. I never did that. 9 Q. Were you present for it while it was going on out 10 there -- 11 A. Yeah. 12 Q. -- at Point Beach? 13 What was that like? 14 A. Dusty. 15 Q. Describe that dust. 16 A. It was just dusty. It kind of choked you off. 17 Q. What's that? 18 A. Choke you off. 19 Q. Say that again? 20 A. Choke you off. 21 Q. Was it dust that you could see with your eyes? 22 A. Yeah. 23 Q. How big was the fab shop area? 24 A. It was pretty much open. 25 Q. Right. But how big was it?</p>
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<p>1 A. Because it --</p> <p>2 Q. Is that from your experience and your memory or some 3 other way?</p> <p>4 MR. SAWYER: Objection, form.</p> <p>5 THE WITNESS: From memory.</p> <p>6 BY MR. ARCHER:</p> <p>7 Q. What about your memory tells you that that stuff was 8 asbestos containing?</p> <p>9 A. Because it was so dusty, cut your air off.</p> <p>10 Q. At that point when you were at Stevens -- or at Point 11 Beach, were you a mechanic?</p> <p>12 A. Yes.</p> <p>13 Q. Had you worked with all the different forms of 14 insulation by that time?</p> <p>15 A. Yes.</p> <p>16 Q. Back in those days would you have been able to tell 17 the difference between what was asbestos containing 18 and not asbestos containing?</p> <p>19 A. At that time, yes.</p> <p>20 Q. So taking yourself back to that time, was that 21 insulation for the blankets asbestos containing or 22 not, based on what you're able to -- what your 23 knowledge was then?</p> <p>24 A. Yes.</p> <p>25 Q. How close were you to the turbines being worked on</p>	<p>1 A. Sweeping up, cleaning up.</p> <p>2 Q. How did that create dust?</p> <p>3 A. Did you ever sweep a floor?</p> <p>4 Q. I've done it, but I've got to ask you.</p> <p>5 A. Well, just raised the dust up.</p> <p>6 Q. Was it dust that you could see with your eyes?</p> <p>7 A. Yeah.</p> <p>8 Q. Did you work in that dust?</p> <p>9 A. Yeah.</p> <p>10 Q. How long were you out there at Point Beach?</p> <p>11 A. A couple weeks.</p> <p>12 Q. When was this about during your career?</p> <p>13 A. '60 -- '68, '67.</p> <p>14 Q. So in the later '60's?</p> <p>15 A. Yeah.</p> <p>16 Q. Was there insulation actually going on to the turbines 17 when you were out there?</p> <p>18 A. Yes.</p> <p>19 MR. SAWYER: Objection, form.</p> <p>20 BY MR. ARCHER:</p> <p>21 Q. What was that like?</p> <p>22 A. I didn't pay too much attention to it.</p> <p>23 Q. Well, if you didn't pay too much attention to it, does 24 that mean you paid a little bit of attention to it?</p> <p>25 MR. SAWYER: Objection, form.</p>
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<p>1 started? Was it in a certain month?</p> <p>2 A. No, I can't.</p> <p>3 Q. Was it snowing when you started?</p> <p>4 A. Yeah.</p> <p>5 Q. Who were you working for?</p> <p>6 A. L & S.</p> <p>7 Q. What insulation products did you work with while you</p> <p>8 were working at L & S?</p> <p>9 A. All of them.</p> <p>10 Q. What does that include?</p> <p>11 A. Kaylo, Pabco, and drywall, Gold Bond.</p> <p>12 Q. I'm asking you about insulation products -- insulation</p> <p>13 while you were at L & S.</p> <p>14 A. Well, it was Kaylo and Eagle-Picher.</p> <p>15 Q. Were there any brands of insulation products that you</p> <p>16 had worked with more while you were at L & S?</p> <p>17 A. Kaylo.</p> <p>18 Q. Why is that?</p> <p>19 A. That's what they put on a job.</p> <p>20 Q. How could you tell it was Kaylo?</p> <p>21 A. It said so on the box.</p> <p>22 Q. Do you remember specific places where you had worked</p> <p>23 with Kaylo when you first started at L & S?</p> <p>24 A. I worked it all. They had it on all the jobs -- all</p> <p>25 the steam piping and stuff.</p>	<p>1 it might be.</p> <p>2 A. Well, depending on the size of the pipe, you had to</p> <p>3 wire it on or band it on and then mud all the joints</p> <p>4 and then cover it with a cloth. And then later they</p> <p>5 would have plastic.</p> <p>6 Q. What would you do if you came to an elbow or a T on</p> <p>7 some piping when you're doing pipe insulation work?</p> <p>8 A. Well, the T with Eagle-Picher and then cover it with a</p> <p>9 finish coat of Mag, 85 Mag.</p> <p>10 Q. Did you have to cov -- cut insulation?</p> <p>11 A. Yes.</p> <p>12 Q. Why would you have to cut insulation?</p> <p>13 A. Because that's what the mechanic wanted.</p> <p>14 Q. How often would Kaylo insulation need to be cut?</p> <p>15 A. Daily.</p> <p>16 Q. I mean, was it an ongoing process during the day, or</p> <p>17 was it just a few times during the day?</p> <p>18 A. The job you had to have the boiler and the heating</p> <p>19 pipe. So you would cut and block, or cut and pipe,</p> <p>20 whichever it was needed.</p> <p>21 Q. What kind of tools did you fellows use --</p> <p>22 A. Saws.</p> <p>23 Q. -- to cut insulation?</p> <p>24 A. Saws.</p> <p>25 Q. What was that like when you were cutting insulation?</p>
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<p>1 Q. How do you know?</p> <p>2 A. Because it was smooth and white.</p> <p>3 Q. Was this in late '58 this was happening?</p> <p>4 A. Yep.</p> <p>5 Q. Did that Kaylo insulation that was being removed</p> <p>6 appear to have been there for at least some time?</p> <p>7 A. Yes.</p> <p>8 Q. More than a year?</p> <p>9 A. That's why it was being replaced.</p> <p>10 Q. What was it like when the Kaylo insulation would be --</p> <p>11 was being removed out there at Badger Ordinance?</p> <p>12 MR. MALONEY: Object to form.</p> <p>13 THE WITNESS: It was dusty.</p> <p>14 BY MR. ARCHER:</p> <p>15 Q. Why was it dusty? Describe for us what would have</p> <p>16 created the dust.</p> <p>17 A. Because the Kaylo would stick to the pipe. And even</p> <p>18 if you took the piece off, the stuff would stick to</p> <p>19 it, and they would scrape that before you put new</p> <p>20 stuff on.</p> <p>21 Q. Did you do that work out there?</p> <p>22 A. No.</p> <p>23 Q. Did you help to remove the Kaylo?</p> <p>24 A. No, I did not. I was an apprentice then.</p> <p>25 Q. Were you --</p>	<p>1 Q. What is commercial work to you?</p> <p>2 A. Schools, office buildings, museum, gas company.</p> <p>3 Q. You mentioned working in the presence of drywallers --</p> <p>4 A. Yeah.</p> <p>5 Q. -- when we first started here. What do drywallers do?</p> <p>6 A. They put up drywall.</p> <p>7 Q. Did you work in the presence of drywallers?</p> <p>8 A. Oh, yes.</p> <p>9 Q. During the 1960's?</p> <p>10 A. Oh, yes.</p> <p>11 Q. And the 1970's?</p> <p>12 A. Yep.</p> <p>13 Q. Describe the process of working with drywall.</p> <p>14 MS. CHENEVERT: Object to form.</p> <p>15 THE WITNESS: Well, you had to try to keep</p> <p>16 ahead of the work.</p> <p>17 BY MR. ARCHER:</p> <p>18 Q. What I would like you to do is tell us what the</p> <p>19 process is, the steps from start to finish, involving</p> <p>20 drywall.</p> <p>21 A. They would put up the drywall, and then they would</p> <p>22 come and mix their bags of stuff, Gold Bond or</p> <p>23 whatever, and they would seal the joints and cover the</p> <p>24 -- where they put the screws in. And then they would</p> <p>25 sand it. And when they sanded it, it got dusty.</p>
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<p>1 facts. 2 THE WITNESS: They had a board with the 3 stuff on there, and they would take a flat trowel and 4 put it on with that. 5 BY MR. ARCHER: 6 Q. All right. I'm talking about though the sanding of 7 it. 8 A. Oh, sanding. 9 Q. Did they use tools to sand? 10 A. They would have a stick with a sandpaper end, and 11 they -- 12 Q. Like a pole sander? 13 A. Yeah. 14 Q. What was that like when they were sanding the joint 15 compounds? 16 MR. MALONEY: Object to form. 17 THE WITNESS: It was dusty. 18 BY MR. ARCHER: 19 Q. Describe the dust. 20 A. You could see it. And if you was in the room or where 21 it was kind of closed off like this one would be, you 22 would -- you would avoid if you had to until they were 23 done. 24 Q. Could you avoid it -- 25 A. Not all the time.</p>	<p>1 MS. CHENEVERT: Object to form. 2 BY MR. ARCHER: 3 Q. Does that include the 1970's? 4 A. Yes. 5 MS. CHENEVERT: Object to form. 6 BY MR. ARCHER: 7 Q. What brands of joint compounds do you recall? I know 8 you mentioned Gold Bond before. Are there other 9 brands? 10 A. GPS. I don't know. If you showed me a list, I would 11 probably remember. 12 Q. Are there other brands that you don't recall? 13 A. Yes. 14 Q. Have you exhausted your memory as far as trying to 15 think of other brands? 16 A. Yeah. You would have to show me a list of names. 17 Q. Do you think if I did show you a list, it would help 18 you out? 19 A. Yeah. 20 MS. CHENEVERT: Object to -- 21 BY MR. ARCHER: 22 Q. Take a look at this piece of paper and tell us if 23 looking at this refreshes your recollection. I don't 24 want you to read this off, but tell me -- tell us if 25 it refreshes your recollection to look at that.</p>
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<p>1 Q. Are you familiar with Georgia-Pacific? 2 MS. CHENEVERT: Object to form, leading. 3 THE WITNESS: Georgia-Pacific, yeah. 4 MR. MALONEY: Before we proceed, I would 5 like to mark the list that was presented to the 6 witness as an exhibit and allow all defense counsel to 7 take a look at the list as well. 8 MR. ARCHER: Sure. And that's fine. That 9 will happen. Actually, I'll have it marked. 10 MR. MALONEY: Okay. 11 MR. ARCHER: That was going to happen. 12 MR. MALONEY: Okay. No problem. I just 13 wanted to make sure. 14 (Exhibit No. 2 marked for identification.) 15 MR. ARCHER: And while I'm having this 16 copied -- 17 MR. SAWYER: Well, I don't know that I need 18 a copy. I just want to see what it says. 19 MR. ARCHER: I'm going to make a copy. 20 MS. CHENEVERT: I would like a copy. 21 Anybody else? 22 MR. MALONEY: Yeah. 23 MS. COOK: Yes. 24 MR. ARCHER: I'll just get everybody a copy. 25 We'll go off the record -- we'll go off the record and</p>	<p>1 Q. Did you work in dust from those products? 2 A. Yes. 3 Q. And I'm talking about Gold Bond, USG, and 4 Georgia-Pacific. 5 MS. CHENEVERT: Object, compound. 6 THE WITNESS: Yes. 7 BY MR. ARCHER: 8 Q. Would you be able to go back in time right now as you 9 sit here today and tell us each and every place you 10 ever saw Gold Bond and joint compound being used? 11 A. No. 12 Q. How about the same question for USG? 13 A. Same. 14 Q. How about the same question for Georgia-Pacific? 15 A. Didn't see much of Georgia-Pacific. 16 Q. I'm sorry? 17 A. Didn't see much of Georgia-Pacific. 18 Q. How would you know if Georgia-Pacific's products were 19 on the job? 20 A. It would be a bag or a five-gallon bucket. 21 Q. And what about the bag or the five-gallon bucket told 22 you that it was Georgia-Pacific? 23 A. They had a triangle. 24 Q. Anything else? Didn't have a name on there or 25 anything?</p>
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<p>1 -- it's 12:57. 2 (A recess was held for lunch.) 3 MR. ARCHER: We're back on the record. It's 4 1:30. This is the Larry Zimmer deposition. 5 MR. MALONEY: I just want to object to the 6 videotaping of the deposition to the extent that it's 7 not in compliance with the Federal Rules of Civil 8 Procedure and also to use at trial. 9 BY MR. ARCHER: 10 Q. Are you familiar with USG? 11 A. Yes. 12 Q. What is that? 13 A. Joint compound. 14 Q. Were USG and Georgia-Pacific joint compounds used 15 differently than you've described earlier -- 16 MS. CHENEVERT: Object to form. 17 BY MR. ARCHER: 18 Q. -- or not? 19 A. No. 20 Q. Did it matter which joint compound was being used 21 whether or not it created dust when it was sanded? 22 MS. CHENEVERT: Object to form, vague. 23 THE WITNESS: It all created dust. If you 24 sand it, there's going to be dust. 25 BY MR. ARCHER:</p>	<p>1 A. Oh, the name was on it, but it had that little 2 triangle all the time. 3 Q. Were any of the brands that you mentioned more popular 4 than the others? 5 A. I don't believe so. Maybe the first two, Gold Bond 6 and GPS. 7 Q. Is it GPS or USG? 8 A. USG. 9 Q. Did you ever see or observe any warnings about 10 asbestos on joint compound packaging? 11 MS. CHENEVERT: Object to form, vague. 12 THE WITNESS: No. 13 BY MR. ARCHER: 14 Q. Did you ever observe warnings about asbestos on Kaylo 15 packaging? 16 A. No. 17 Q. Did you ever receive any warnings at all of any kind 18 about asbestos from Westinghouse? 19 MR. SAWYER: Object to form. 20 THE WITNESS: Westinghouse? No. 21 BY MR. ARCHER: 22 Q. Westinghouse. Do you know what Westinghouse is? 23 A. A big company that made turbines and other things, but 24 I don't know what. 25 Q. How close would you be to work that involved sanding</p>

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<p>1 of joint compounds on walls? Would this be within 2 feet? Would it be yards? How far?</p> <p>3 MS. CHENEVERT: Object to form, vague.</p> <p>4 THE WITNESS: It would be both, both feet 5 and yards.</p> <p>6 BY MR. ARCHER:</p> <p>7 Q. Were you close enough to that work that you were in 8 dust from that or no?</p> <p>9 A. Yes.</p> <p>10 Q. How often was that?</p> <p>11 A. Well, as often as they sand it, which was at least 12 once a week.</p> <p>13 Q. What would be the most it would be? You said at least 14 once a week. How much would it be if it was a lot?</p> <p>15 MS. CHENEVERT: Object to form.</p> <p>16 THE WITNESS: Three days out of the week.</p> <p>17 BY MR. ARCHER:</p> <p>18 Q. Back when you were working with and around these 19 products that we've talked about today, did you expect 20 your work around these products and with these 21 products from dust --</p> <p>22 A. No.</p> <p>23 Q. -- to cause you harm?</p> <p>24 A. No.</p> <p>25 Q. Do you receive a pension?</p>	<p>1 Q. You mentioned Parkinson's before. How long have you 2 had Parkinson's?</p> <p>3 A. Quite a while. About 12 years.</p> <p>4 Q. What does that do to you?</p> <p>5 A. Makes me shake.</p> <p>6 Q. Yeah.</p> <p>7 A. Lose balance. And just can't do a lot of stuff. Your 8 hands don't grab things right. You have to be 9 careful.</p> <p>10 Q. How about your energy level?</p> <p>11 A. That's almost nil.</p> <p>12 Q. Is it tough doing this today?</p> <p>13 A. Yeah. It's a job.</p> <p>14 MR. ARCHER: Those are all the questions I 15 have for you for right now.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. ARCHER: Thank you.</p> <p>18 We're going to take a break here. 1:38.</p> <p>19</p> <p>20 (Deposition was adjourned for the day at 1:38 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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